

1

REMARKS

The Examiner rejected claims 1-4 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,600,971 to Smith et al., ("Smith"). Specifically, the Examiner states that the Smith system is comprised of a wireless RUI having a handheld display and keypad for reading the status of and controlling the irrigation equipment. The applicants respectively disagree. Claim 1 of the present invention specifically recites a "wireless RUI comprising a handheld display and keypad for" reading the status of and controlling the irrigation components and ancillary equipment. Smith specifically teaches a central computer 25 for controlling a plurality of satellite controllers 15. The central computer 25 is coupled to the satellite controllers 15 via a communication bus 23, which is described as being implemented with twisted pair wire, radio modems, or analog telephone modems. It is not asserted by the Examiner, nor is it found within the Smith reference, that the central computer 25 is a handheld device. However, Smith teaches that when the central computer 25 is down or the communication bus 23 is disrupted, a handheld remote device 25(sic) can be used to communicate with the satellite controller 15 by directly coupling the remote unit 25 to a "node" within the system. In Fig. 3, the node coupled to the handheld unit is a sensor 21, which is coupled to a second sensor 21 that is attached to a satellite controller 15. The remote connection 27 between the two sensors 21 is not described as being wireless. Moreover, the remote device 25 appears to be directly coupled with the first sensor 21 indicating

25

1 that the remote device 25 is not communicating in a wireless manner with the first
5 sensor 21. Nowhere within the specification or figures of the Smith reference is the
remote device described as having a handheld display or a keypad. To be sure, the
display and keypad cited to by the Examiner at Cols. 4-5, lines 66-2, are actually
made a part of the satellite controller unit itself and are not a part of the remote
device 25 cited by the Examiner at Col. 6, lines 20-24. Claim 1 specifically requires
10 a handheld, wireless RUI having both a display and a keypad. No such reference
can be found within the Smith patent.

15 Anticipation focuses on the question of whether or not a claim reads on the
product or process disclosed by a prior art reference, not on what the reference
broadly teaches. Kalman v. Kimberly-Clarke Corp., 713 F.2d 760 (Fed. Cir. 1983).
"For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of
the claimed function must be identically shown in a single reference." Diversitech
20 Corp v. Century Steps, Inc., 850 F.2d 675 (Fed. Cir. 1988). To the extent that the
claimed elements within claim 1 cannot be found within the Smith reference, claim 1
is believed to be allowable. Claim 2 depends from claim 1 and is comprised of the
25 limitations relating to the handheld, wireless RUI having a keypad and a display.
Accordingly, claim 2 is believed to be allowable over the prior art as discussed
previously. Moreover, claim 2 further states that the wireless RUI has the capability
of reading and controlling the irrigation components "from any location in the field".
Smith discloses that, "when operated remotely, the satellite controller 15 can be

1 monitored and controlled from any node in the network, such as the central
2 computer or any other satellite controller 15." Col. 5, lines 4-7. Accordingly, the
3 Smith system is taught as being controlled from specific locations or nodes within
4 the network and not at "any location in the field," as specifically claimed in claim 2.
5 Accordingly, claim 2 is believed to be allowable in view of the prior art.

6
7 Claim 3 is an independent combination claim that is similar to claim 1 but for
8 the fact that the control system is not claimed in combination with "ancillary
9 equipment for irrigation components". However, claim 3 specifically claims the
10 wireless handheld RUI having a keypad and display used to read the status of and
11 control the irrigation components. Claim 3 is therefore believed to be allowable for
12 at least the same reasons set forth hereinabove for claim 1.

13
14 Claim 4 describes a method whereby an individual remotely determines the
15 status of and controls irrigation controls. One step in that method is providing a
16 handheld wireless RUI. As discussed hereinabove, the handheld device mentioned
17 within the Smith reference is not specifically taught as being a wireless control unit.
18 The remote device 25 taught by Smith is only disclosed as being able to
19 "communicate". No specific reference is made to monitoring or controlling of the
20 operation of the controllers. Claim 4 specifically claims that the handheld wireless
21 RUI operates to read the status of and control the irrigation component and ancillary
22 equipment. Accordingly, claim 4 is believed to be allowable in view of the Smith
23 reference.

1 The Examiner rejected claims 1-4 under 35 U.S.C. § 102(b) as being
| anticipated by U.S. Patent No. 4,626,984 to Unruh et al., ("Unruh"). As discussed
| hereinabove, claim 1 specifically claims a handheld wireless RUI having a display
5 and keypad. The RUI of claim 1 is specifically recited as being capable of reading
| the status of and controlling the irrigation component and ancillary equipment. The
| Examiner specifically states that the Unruh reference teaches a wireless RUI
| comprising a handheld display and keypad. However, this is not the case. The
10 Unruh reference specifically discloses a central computer 22 having a wireless
| communication link with a plurality of intelligent remote units coupled to the irrigation
| equipment. The Unruh reference makes reference to a portable base unit 32 and a
| portable terminal. However, the portable base unit 32 and the portable terminal are
| not taught or otherwise suggested as being a handheld wireless unit. Moreover,
15 neither the portable base unit 32 nor the portable terminal are taught or otherwise
| suggested as having a display or keypad. The portable terminal is merely disclosed
| as being a control device that is directly connected to the intelligent remote units at
| each station. Accordingly, it is believed that claim 1 is believed to be patentable in
| view of the Unruh reference.

20 Claim 2 depends from claim 1 and is believed to be allowable for the reasons
| set forth hereinabove over the Unruh reference. Moreover, claim 2 specifically
| recites that the RUI is capable of reading and controlling the irrigation components
| and ancillary equipment from "any location in the field". Nowhere within the Unruh
25

1 reference is a handheld wireless RUI disclosed as being able to control and read the
status of the irrigation units from "any location in the field." Accordingly, claim 2 is
believed to be allowable over the Unruh reference.

5 Claim 3 is an independent combination claim that is nearly identical to claim 1
but for the fact that the RUI device is not claimed as being in combination with
ancillary equipment. Accordingly, claim 3 is believed to be allowable over the Unruh
reference for the same reasons as set forth hereinabove for claim 1.

10 Claim 4 recites a method for remotely determining the status of and
controlling irrigation components with a handheld wireless RUI. As discussed
hereinabove, the Unruh reference does not teach or otherwise disclose a handheld
wireless RUI device that is specifically capable of determining the status of or
controlling irrigation components and ancillary equipment.

15 Claims 1-4 are believed to be allowable over the cited prior art and the
Examiner is respectfully requested to reconsider the aforementioned rejections and
allow claims 1-4.

20 No fees or extensions of time are believed to be due in connection with this
amendment; however, please consider this a request for any extension inadvertently
omitted, and charge any additional fees to Deposit Account No. 502093.

1

Respectfully submitted,



SHANE M. NIEBERGALL
Registration No. 44,974
THOMTE, MAZOUR & NIEBERGALL
Attorneys of Record

5

2120 S. 72nd Street, Suite 1111
Omaha, NE 68124
(402) 392-2280

10

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the original of this AMENDMENT for BRUCE KREIKEMEIER, Serial No. 09/778,367, was transmitted to Examiner Crystal J. Barnes (703) 872-9306 on this 17th day of November, 2003.

15



SHANE M. NIEBERGALL

20

25